

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

ROBERT LEE CALDWELL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:07-CV-222
	)	(VARLAN/GUYTON)
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge H. Bruce Guyton on March 12, 2008 [Doc. 20]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Guyton found that there was not enough evidence to support the Administrative Law Judge's conclusion that plaintiff was a fleeing felon as defined by the Social Security Act. Accordingly, Magistrate Judge Guyton recommended that plaintiff's motion for summary judgment [Doc. 11] be granted and that defendant Commissioner's motion for summary judgment [Doc. 18] be denied.

The Court has carefully reviewed this matter, including the underlying pleadings [Docs. 11, 12, 18, 19]. The Court is in agreement with Magistrate Judge Guyton's recommendation which the Court adopts and incorporates into its ruling. Plaintiff's motion

for summary judgment [Doc. 11] is **GRANTED** and defendant's motion for summary judgment [Doc. 18] is **DENIED**. The Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 20], and the Commissioner's decision is **REVERSED** and this case is hereby **REMANDED** for benefits to be awarded consistent with this Order.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE